

The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

Paper No. 35

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte ROBERT J. GERNDT and JOHN J. SAYOVITZ

MAILED

MAR 1 1 2003

Application No. 09/240,524

PAT. & T.M. OFFICE PARD OF PATENT APPEAT AND INTERFERENCE

## ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 29, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

There is no indication that the Appeal Brief fee has been received and/or applied. Additionally, we are able to locate only one copy of the Appeal Brief instead of the required three copies. 37 CFR § 1.192.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for resolution of the above matters, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

Date M. Shaw

Program and Resource Administrator

(703) 308-9797

Application No. 09/240,524

Pauley, Petersen, Kinne & Erickson 2800 West Higgins Road Suite 365 Hoffman Estates, IL 60195

dem RA03-0199